

**UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA**

CASE NO. 22-23197-CIV-ALTONAGA/Damian

**PREPARED FOOD
PHOTOS, INC.,**

Plaintiff,

v.

**MIAMI BEACH 411
CORPORATION,**

Defendant.

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ORDER

THIS CAUSE came before the Court on Plaintiff's Motion for Order to Show Cause Why Defendant Should Not Be Held in Contempt [ECF No. 17], filed August 3, 2023. The Court referred the Motion to United States Magistrate Judge Melissa Damian, who held an evidentiary hearing [ECF No. 22] and issued her Report and Recommendation [ECF No. 23] on September 13, 2023. The parties filed no objections to the Report. In a September 28, 2023 Order [ECF No. 24], the Court ordered Defendant, Miami Beach 411 Corporation to show cause why it should not be adjudged in contempt. A hearing before the Undersigned was held on October 26, 2023, at which Defendant failed to appear. (*See* Show Cause Hr'g [ECF No. 27]).

After reviewing the record, Plaintiff's written submissions, Magistrate Judge Damian's Report, hearing from Plaintiff at the October 26, 2023 hearing, and being otherwise fully advised, it is hereby

ORDERED AND ADJUDGED as follows:


1. The Report [ECF No. 23] is **ACCEPTED AND ADOPTED**.
2. The Court finds that Defendant willfully violated the Court's July 14, 2023 Order

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[ECF No. 16], requiring it to serve responses to Plaintiff's Post-Judgment Discovery Requests.

2. Defendant shall pay Plaintiff its reasonable attorneys' fees and costs incurred in connection with its efforts to secure Defendant's compliance with the Court's July 14, 2023 Order, as a sanction for Defendant's failure to comply with the Court's Order.
3. Defendant shall pay a fine of \$50.00 per day for **sixty (60) days** beginning **November 1, 2023**, or until Defendant purges itself of the civil contempt.
4. Defendant may purge itself of its contempt by responding to Plaintiff's Post-Judgment Discovery Responses in compliance with the July 14, 2023 Order and filing a notice of compliance with the Court indicating such.
5. Plaintiff's counsel shall provide a copy of this Order to Defendant through certified mail (or other form of service providing for tracking and requiring a signature upon receipt) and shall file a notice of compliance that includes evidence of receipt by Defendant, no later than **October 30, 2023**.

DONE AND ORDERED in Miami, Florida, this 27th day of October, 2023.



CECILIA M. ALTONAGA
CHIEF UNITED STATES DISTRICT JUDGE

cc: counsel of record